IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.1970 of 2007

Shri Vikram Subhash Lodha & ors. Petitioners
Vs.
Shri Akbar Ibrahim Abraham Ali Respondent

Mr.A.V.Anturkar i/b. Mr.Sugandh B. Deshmukh for petitioners.

Mr.A.M.Rajabally for respondent.

CORAM: B.H.MARLAPALLE, J.

June 14, 2007.

P.C.

1. This petition was heard from time to time and on the face of the allegations and counterclaims both the learned counsel for the respective parties have visited the suit premises, the ground floor of which is in occupation of the landlords-petitioners and the first floor is in occupation of the respondent-tenant. There is no dispute that the power supply has been restored and water connection is required to be provided from the overhead tank on the terrace. In addition drainage facility is also required to be repaired along with the repairs of the terrace so that there are no leakages in the premises occupied by the respondent-tenant during the rainy season. So far as the telephone connection is

concerned, the petitioners have undertaken to give a no objection to the BSNL staff to reconnect the telephone.

2. However, both the parties agree that the restoration of water supply, drainage cleaning / repairs and the terrace repairs as well as the repairs to the window panes should be undertaken by the Court Commissioner but at the cost of the landlords. The landlord is willing to deposit an amount of Rs.10,000/- initially with the trial Court and the said amount could be appropriated by the Court Commissioner for restoration of water supply, drainage cleaning / repair and repairs of the terrace as well as window panes.

3. Mr.Rajabally, the learned counsel for the tenant also raised a grievance that the family members or guests of the tenants are also prevented from entering the premises sometimes. The landlords have given an undertaking before this Court that none of the family members will be prevented by the landlords from entering into the premises and so long as the guests' names are intimated to the landlord, the entry of the guests also will not be prevented.

4. The petition is, therefore, disposed off in terms of the following directions:

(a) The petitioners to deposit an amount of Rs.10,000/- within one week with the trial Court i.e. the Small Causes Court at Pune in Civil Suit No. 299 of 1999 and the trial Court will appoint the Court Commissioner to undertake the above mentioned jobs i.e. restoration of water connection, cleaning / repair of drainage, repair of terrace and the repair of window panes. If the expenditure on all these jobs exceeds Rs.10,000/-, the balance amount also will be born by the petitioners and will be deposited within one week after the Court Commissioner submits expenditure details to the trial Court and on an appropriate order having been passed by the trial Court.

(b) The landlord's no objection for reconnection of the telephone subscribed by the tenants is hereby noted and on the basis of a copy of this order, the tenant is at liberty to apply for reconnection to the BSNL.

. It is further clarified that the pending suit will have to be decided on its own merits and without being influenced by this order or the findings recorded in the impugned order in this petition.

. Certified copy expedited.

(B.H.MARL